

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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April 30, 2015

The Honorable Ronald M. Whyte
United States Senior District Judge

Re: U.S. v. Wilfred Ernesto Mares, Jr.

Docket No: CR-12-00354-RMW

Response to Request for
Termination of Supervised Release

Your Honor:

On May 12, 1994, the offender was found guilty by a jury in the District of Wyoming of violating Conspiracy to Possess with Intent to Distribute and Distribute Methamphetamine 21 U.S.C. § 841(a)(1), 841(b)(1)(A) and 846, a Class A Felony; Possession With Intent to Distribute and Distribution of Methamphetamine, 21 U.S.C. § 841(a)(1) and 841(b)(1)(B), a Class A Felony.

On August 16, 1994, he was sentenced by the Honorable Clarence A. Brimmer to 240 months custody followed by 10 years supervised release. The following special conditions were ordered: \$100 special assessment; access to financial information; drug treatment and testing; not own or possess any firearms, ammunition, destructive device, or other dangerous weapons; report in person within 72 hours of release from custody; not use or possess any illegal drugs or controlled substances; shall not use or possess any alcohol and is prohibited from places where alcohol is sold.

Jurisdiction from the District of Wyoming to the Northern District of California became effective on May 1, 2012.

Prior F12: On October 30, 2012, the Court modified the offender's conditions to include 50 hours of community service work for not reporting law enforcement contact within 72 hours. The offender had broken up a verbal and physical fight between a family member and another individual who visited his brother. There was no action taken against the offender, but he failed to notify his assigned officer. The offender completed the 50 hours of community service as ordered.

On February 25, 2011, the offender commenced his term of supervised release in the Northern District of California and resided in San Jose, California with his son and his son's wife. In

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approximately June 2015, the offender's son moved out of district and the offender temporarily relocated to Rio Vista, California which is located in the Eastern district of California. He was residing with his daughter and her husband and children.

In July 2015, the Eastern District of California accepted courtesy supervision as the offender stated he traveled from Rio Vista to San Jose and would sometimes stay with his significant other. He informed the supervising officer that his stay with his daughter was temporary and he would be searching for his own personal residence.

In approximately October 2014, the Eastern District of California denied the offender's case for supervision as he had not obtained a personal residence and continued to travel from Rio Vista to San Jose. The offender was granted permission to continue to search for a personal residence in Rio Vista.

In January 2015, the offender was instructed to report back to the Northern District of California. He reported that he would stay with different friends who resided in San Jose. On January 9, 2015, the offender reported a permanent residence in San Jose.

Mr. Mares has worked odd jobs since the commencement of supervision conducting light construction and repair work. His employment has been unstable and can be described as random at best. He has received Social Security benefits at a rate of \$651.00 per month.

On March 27, 2015, I met Mr. Mares at a job site, installing a deck at a residential home. We discussed his previous request for early termination of supervision in which he informed me he submitted to the District of Wyoming, not realizing that jurisdiction had been transferred to the Northern District of California. He informed me that he would submit another request to this Court. I informed him of the process for requesting early termination. At no time did I state, nor imply that I supported his request for termination of supervision. I believe Mr. Mares incorrectly recalls the conversation we had and misrepresents my statement supporting his termination of supervision. Mr. Mares stated he has full time employment, which is inaccurate.

Mr. Mares has also informed me that he underwent surgery for colon cancer on March 11, 2015. However, he has yet to submit verification of the surgery. He did submit medical documents dated May 20, 2014, stating he had benign neoplasm of the colon. He has submitted medical documents regarding some of his other medical issues which include but are not limited to: spinal stenosis of lumbar region; hyperlipidemia; fatty liver; cervical radiculopathy; diabetes mellitus; aortic stenosis; hypertension; difficulty in walking. He has been prescribed aspirin, atenolol, docusate sodium, gabapentin, glyburide, hydrocodone-acetaminophen, meloxicam, morphine, niacin.

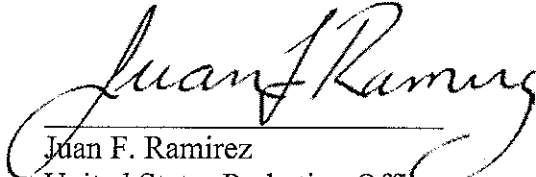
Mr. Mares has complied marginally at best with his conditions of supervised release. He has had unstable residence, sporadic employment and law enforcement contact, which he failed to report. His false statements regarding our March 27, 2015, are also concerning. Given these facts, his request for termination of supervision is not supported by this office.

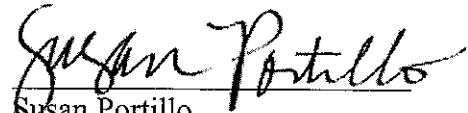
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Respectfully submitted,

Reviewed by,


Juan F. Ramirez
United States Probation Officer


Susan Portillo
Supervisory U.S. Probation Officer

Having considered the information set forth above, the court:


☒ Request for early termination of supervised release is denied.

☐ Request for early termination of supervised release is granted.

☐ Other: _____.

Date

6/11/15


The Honorable Ronald M. Whyte
Senior United States District Judge